

FIAB

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EDMONT P. D'ASCOLI, TRUSTEE OF)
THE EDMONT P. D'ASCOLI REVOCABLE)
LIVING TRUST DATED MAY 24, 1996)

Opposer,)

v.)

EXEL OYJ)

Applicant.)

Opposition No.: 91155174

Mark: EXEL

Serial No. 76/301162

**OPPOSER'S NOTICE OF TESTIMONIAL DEPOSITION
UPON WRITTEN QUESTIONS PURSUANT TO 37 CFR 2.124**

TO: NORBERT F. KUGELE, ESQ.
MATTHEW D. JOHNSON, ESQ.
Warner Norcross & Judd
900 Fifth Third Bank Building
111 Lyon Street, NW
Grand Rapids, Michigan 49503-2487

Attorneys for Applicant EXEL OYJ

PLEASE TAKE NOTICE that on behalf of Opposer EDMONT P. D'ASCOLI, Trustee of the EDMONT P. D'ASCOLI REVOCABLE LIVING TRUST DATED MAY 24, 1996 ("Opposer"), the following deposition upon written questions will be taken, pursuant to Rule 2.124 of the Trademark Rules of Practice, on the date and at the time indicated below:

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on November 21, 2003


MARTIN E. HSIA 32,471


11-28-2003
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #57

Name of Deponent

Date/Time of Deposition

EDMONT P. D'ASCOLI
Trustee of the Edmont P. D'Ascoli
Revocable Living Trust Dated May 24, 1996
and
President of XCEL Hawaii, Inc.
66-590 Kam Highway
Haleiwa, Hawaii 96712

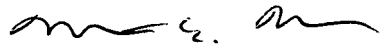
December 11, 2003
10:00 a.m.

Said deposition will be taken upon written questions at the offices of
Cades Schutte LLP, 1000 Bishop Street, Suite 1200, Honolulu, Hawaii 96813, telephone
(808) 521-9200, before an officer authorized by law to administer oaths, certified court reporter,
or notary public or process server to administer oaths in the State of Hawaii.

Said deposition shall be upon written examination, pursuant to 37 CFR § 2.124.

The examination will continue from day to day until completed. The time stated
above is a good faith estimate of the amount of time which may be needed to take the deposition.
Depending on the circumstances, the time period may be longer or shorter. If needed, additional
days may be scheduled later.

DATED: Honolulu, Hawaii, November 21, 2003.



MARTIN E. HSIA, Reg. No. 32,471
Cades Schutte LLP
1000 Bishop Street, 12th Floor
Honolulu, Hawaii 96813
Phone: (808) 521-9200
Attorneys for EDMONT P. D'ASCOLI, Trustee
of the EDMONT P. D'ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996

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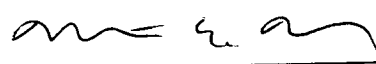
Mark: EXEL

Serial No. 76/301162

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this OPPOSER'S NOTICE
OF TESTIMONIAL DEPOSITION UPON WRITTEN QUESTIONS PURSUANT TO
37 CFR 2.124, dated November 21, 2003, was mailed ~~and faxed~~ this 21st day of November,
2003, to:

NORBERT F. KUGELE, ESQ.
MATTHEW D. JOHNSON, ESQ.
Warner Norcross & Judd
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of the EDMONT P. D'ASCOLI REVOCABLE
LIVING TRUST DATED MAY 24, 1996